

## Message Text

CONFIDENTIAL

PAGE 01 BUENOS 04471 081729Z

44 S

ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SS-15 SP-02 DHA-02 INR-07 L-03

NSC-05 CIAE-00 IO-13 SSO-00 INRE-00 NSCE-00 /058 W

----- 058796

O 081655Z JUL 76

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC IMMEDIATE 6283

C O N F I D E N T I A L BUENOS AIRES 4471

FOR SECRETARY KISSINGER FROM AMBASSADOR HILL

E. O. 11652: GDS

TAGS: PFOR, PINT, PINS, PORG, SHUM, AR

SUBJECT: ASYLUM AND TEMPORARY REFUGE

REF: STATE 167629

1. DEPARTMENT'S INSTRUCTION ON ASYLUM POLICY (REFTEL) WHICH I HAVE JUST RECEIVED CONSTITUTES A REVERSAL OF TRADITIONAL U.S. POLICY AND HAS IMPLICATIONS WHICH I CONSIDER SERIOUS ENOUGH TO BRING TO YOUR ATTENTION.

2. THE INSTRUCTION TELLS US THAT WE ARE TO MAKE KNOWN, THROUGH THE UNHCR, THAT WE ARE PREPARED NOW TO ACCEPT, SHELTER, AND INTERVENE ON BEHALF OF PERSONS OR GROUPS OF PERSONS REQUESTING ASYLUM EVEN IF THEY ARE UNDER NO IMMEDIATE OR VISIBLE THREAT. OUR TRADITIONAL POLICY ON ASYLUM HAS SERVED US WELL IN ARGENTINA; WE ARE UNDER NO SERIOUS CRITICISM TO MY KNOWLEDGE AS A RESULT OF HOLDING TO THAT POLICY. PERSONS IN LEGITIMATE NEED OF ASYLUM HAVE FOUND IT QUITE READILY IN THE LATIN AMERICAN EMBASSIES WITH THEIR LONG HISTORY OF TREATY-SUPPORTED ASYLUM POLICY, OR IN OTHER EMBASSIES WHICH HAVE SHOWN WILLINGNESS TO RECEIVE ASYLEES. I AM UNAWARE THAT SUCH A REVERSAL OF POLICY HAS BEEN IMPLEMENTED IN ANY OTHER COUNTRY WHERE DEMAND FOR ASYLUM MIGHT BE HEAVY, FOR EXAMPLE, CHILE, SOVIET UNION, ETC.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BUENOS 04471 081729Z

3. IF, AS INSTRUCTED IN REFTEL, WE INFORM UNHCR THAT WE

ARE PREPARED TO TAKE IN AND SHELTER, WHILE WE INVESTIGATE ALLEGATIONS OF POTENTIAL DANGER, INDIVIDUALS OR GROUPS OF REFUGEES, IT WILL AMOUNT TO A PUBLIC SOLICITATION OF THE COMMUNITY OF AT LEAST 15,000 POLITICAL REFUGEES TO APPLY FOR SUCH ASYLUM. CANDIAN EMBASSY, FOR EXAMPLE, IS PRESENTLY RELUCTANT HOST TO SOME 27 CHILEAN REFUGEES WHO DO NOT APPEAR TO BE IN IMMEDIATE OR POTENTIAL DANGER BUT WHO CANNOT NOW BE THROWN OUT THE DOOR. WE BELIEVE IN ALL SERIOUSNESS THAT ADVICE TO UNHCR OF WILLINGNESS TO CONSIDER ASYLUM REQUESTS WILL BE QUICKLY CIRCULATED THROUGHOUT REFUGEE COMMUNITY AND WILL RESULT IN NUMEROUS REQUESTS FOR ASYLUM MOTIVATED IN LARGE PART BY REASONS UNCONNECTED WITH PHYSICAL DANGER TO APPLICANT.

4. FURTHER, WE BELIEVE THAT GOA WOULD INTERPRET VERY NEGATIVELY GRATUITOUS ADVANCE NOTIFICATION THAT USG IS PREPARED TO INTERVENE ON BEHALF OF REFUGEES AND ARGENTINE ASYLEES EVEN BEFORE WE HAVE A CASE TO CONSIDER. GOA KNOWS OUR POSITION ON HUMAN RIGHTS AND PROTECTION OF REFUGEES. IT WOULD BE AN UNNECESSARY AND COUNTERPRODUCTIVE STEP TO APPROACH THEM AT THIS POINT AS WE ARE INSTRUCTED IN FINAL SENTENCE OF REFTEL.

5. FINALLY, THE MEMBERS OF MY EMBASSY'S SECURITY WATCH COMMITTEE ARE UNANIMOUS AND EMPHATIC IN RECOMMENDING TO ME THAT I POINT OUT THE SERIOUS SECURITY IMPLICATIONS INHERENT IN ENCOURAGING IN ANY WAY AN INFLUX OF PETITIONERS FOR ASYLUM. WE HAVE JUST WITNESSED BOMBING OF ARGENTINE FEDERAL POLICE HEADQUARTERS; PERMITTING ENTRY INTO USG BUILDINGS OF INDIVIDUALS OR GROUPS CLAIMING ASYLUM, AND ESPECIALLY SHELTERING THEM FOR MINIMUM OF TWO OR THREE DAYS WHILE CASES ANALYZED, IS VIRTUAL INVITATION TO EXTREMISTS OF LEFT TO BREACH OUR SECURITY. IT IS ALSO MOST SERIOUS CONSIDERATION THAT THE ELEMENTS OF THE GOA'S OWN SECURITY FORCES WHO HAVE BEEN CARRYING OUT ALMOST UNCONTROLLED TERRORIST ACTIONS OF THEIR OWN COULD WELL RETALIATE AGAINST U.S.G. PROPERTY OR PERSONNEL FOR WHAT THEY WOULD CONSIDER AID AND ABETTING OF THEIR OPPONENTS.

6. I, JOINED SPECIFICALLY AT THEIR REQUEST BY MY POLITICAL, SECURITY, CONSULAR, MILITARY AND INTELLIGENCE STAFF MEMBERS, STRONGLY RECOMMEND RECONSIDERATION OF INSTRUCTIONS CONTAINED

CONFIDENTIAL

PAGE 03 BUENOS 04471 081729Z

IN REFTEL. WE ARE ALL WELL AWARE OF NEED TO CONSULT WITH DEPT IN CASES OF LEGITIMATE REQUESTS FOR ASYLUM, AND OF SENSITIVITY OF PRESENT ARGENTINE SITUATION. WE HAVE NO HESITATION ABOUT TELLING GOA AND UNHCR THAT WE APPLAUD THEIR POSITIONS ON INVOLUNTARY REPATRIATION OF REFUGEES. HOWEVER, WE FEEL THAT INSTRUCTIONS TO APPROACH UNHCR AND GOA ON ASYLUM POLICY ARE NOT WARRANTED BY SITUATION AND THAT NEGATIVE ASPECTS OF DOING SO OUTWEIGHT ANY BENEFITS.

HILL

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLITICAL ASYLUM, POLICIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 JUL 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BUENOS04471  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760263-0911  
**From:** BUENOS AIRES  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760781/aaaacstn.tel  
**Line Count:** 116  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 167629  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 14 JUL 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <14 JUL 2004 by ElyME>; APPROVED <22 OCT 2004 by ShawDG>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ASYLUM AND TEMPORARY REFUGE  
**TAGS:** PFOR, PINT, PINS, PORG, SHUM, AR, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006